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Summary record of the 2693rd meeting
Held at Headquarters, New York, on Friday, 12 March 2010, at 10 a.m.

Chair: Mr. Iwasawa

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Third periodic report of Uzbekistan (*continued*) (CCPR/C/UZB/3, CCPR/C/UZB/Q/3 and Add.1)

1. *At the invitation of the Chair, the members of the delegation of Uzbekistan took places at the Committee table.*

2. **Mr. Saidov** (Uzbekistan), continuing his delegation's answers to the questions put by members of the Committee on questions 1 to 15 on the list of issues (CCPR/C/UZB/Q/3), acknowledged that, the delegation contained no women members. The Ombudsman, a woman, would normally have been a member of the delegation, but the current session had coincided with the submission of the Ombudsman's report to the upper chamber of Parliament. Gender equality had been fully achieved, however, in the State party's representation before the Committee on the Elimination of Discrimination against Women at its recent forty-fifth session.

3. **Mr. Rakhmonov** (Uzbekistan) said that pretrial detention was one of seven types of detention; there was broad recourse to all types, including detention under bail. The law excluded any extension of the 72-hour limit to the pretrial detention period. As for the long-term prison sentence of 20 to 25 years, that was handed down for two types of crime: premeditated murder with aggravating circumstances and terrorism; men over the age of 60, juveniles under the age of 18 and women were exempt from it. The same exemptions applied in cases of life imprisonment. The rights of all detainees were guaranteed by law.

4. **Mr. Saidov** (Uzbekistan) said that, when preparing its report, the State party had referred to the Committee's general comment No. 8 on the right to liberty and security of persons, which gave no indication of any maximum or minimum period of pretrial detention; it had therefore concluded that the 72-hour limit was in keeping with the Covenant. It was true that the possibility existed of a 48-hour extension of the detention period, but that lay within the competence of the prosecutor's office and was provided for by law; there was therefore no reason to be surprised about it. No bill to reduce the detention period had so far been submitted to Parliament.

5. **Mr. Akhmedov** (Uzbekistan), taking up the question of states of emergency, said that the bill currently being prepared in that connection would ensure the protection of citizens in such situations and not limit their basic rights and freedoms. As for the number of prosecutions for polygamy, he said that 19 criminal cases had been tried by the courts under article 126 of the Criminal Code and that two cases remained pending. The Criminal Code contained no specific provision to punish the kidnapping of young women, which was covered by the general law on kidnapping. Sexual violence and harassment were punishable offences, as were attacks on human dignity and the family. Bride abduction had become less common, in parallel with the increase in women's rights. In family relations, women enjoyed equal rights with men; they also participated in all spheres of social, public and business life. The minimum age of marriage in Uzbekistan was now 18. The legal prohibition of forced marriage was enforced by judicial bodies with the active support of the Women's Committee, which conducted awareness-raising activities for specific groups, produced information materials on gender issues and gave assistance to women victims of domestic violence. A number of shelters and counselling centres had been established for such women, and also for the victims of trafficking in persons, which was a crime under the Criminal Code. In the past few years more than a thousand women had benefited from the shelters and several thousand had used the hotline set up to help girls and women in crisis situations. Moreover, while the Criminal Code contained provisions for the punishment of violence, a specific bill was being prepared to punish violence against women.

6. **Mr. Saidov** (Uzbekistan), responding to Mr. Amor concerning the equation of polygamy with Islam, a view also criticized by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, said that it was the result of a false stereotype; polygamy was not confined to Islam. His Government took full account of the Committee's general comment No. 28 regarding the inadmissibility of that practice, which was prohibited by law. While its population was 90 per cent Muslim, Uzbekistan was a secular State which had banned Sharia law in 1928.

7. **Mr. Shodiev** (Uzbekistan), referring to the definition of terrorism contained in article 2 of the law

against terrorism, said that the main principles underpinning the country's legislation on the subject were in accordance with the requirements of the Covenant. Article 15 of the Criminal Code guaranteed the rights of those committing terrorist acts, including the right to protection against torture and other cruel or degrading treatment, the right of habeas corpus, the right to a fair hearing and the right of appeal. Moreover, such acts were no longer punishable by the death penalty, following its abolition in Uzbekistan. In the prison system, men and women were detained separately, as were juveniles under the age of 16, and detention conditions were regularly monitored by a parliamentary committee.

8. **Mr. Saidov** (Uzbekistan) said that there was no universally accepted definition of terrorism and that each country had its own approach. Uzbekistan had a legal definition of terrorism, but not of extremism, which was used solely as a political term in his country. Uzbekistan had ratified all 12 United Nations conventions on terrorism and was intent on ensuring that it met its human rights obligations in the implementation.

9. With respect to torture, it was Uzbekistan's position that article 235 of the Criminal Code fully complied with article 1 of the Convention against Torture and article 7 of the Covenant. Article 235 had been drafted in accordance with Uzbekistan's technical procedure for drafting legislation. Uzbekistan had its own legal traditions, just as the United Kingdom and France had their particular legal systems. It would not, therefore, assent to any attempt to have it rewrite its law. Uzbekistan had a broader concept of torture than that set out in article 1 of the Convention against Torture. Since the issue had arisen when it submitted its report to the universal periodic review, his Government had decided to include it in the current report in order to emphasize that its definition was correct and fully complied with article 1. He would welcome any definition the Committee members might wish to propose, which Parliament could then consider.

10. The Committee had stated that it believed the non-governmental organizations (NGOs) rather than the Government of Uzbekistan and had been highly critical of its report. Little credit had been given for the positive results reflected in the report. For example, the prison population had been reduced by over 50 per cent — from 76,000 to 36,000 prisoners — since the year 2000. Surely that fact met any criteria for progress.

11. Uzbekistan was a Muslim Asian country, not a European country. It had its own traditions, values and history. That was not a statement of cultural relativism: Uzbekistan also recognized universal human values and international standards. The Committee members must, however, respect Uzbekistan's world view and refrain from putting pressure on it to emulate European countries. His Government did not act in pursuit of United Nations interests but in the interests of its own people. It would not seek to please anyone or to build an island of democracy. Uzbekistan had its own views on those matters.

12. His Government welcomed input from civil society and NGOs, which had been carefully studied during the drafting of its report. Criticisms by such organizations spurred the Government to step up its efforts. The comments on shortcomings in eradicating domestic violence against women, protecting the rights of children, the disabled and journalists, combating torture and protecting non-governmental organizations were welcome and would be carefully studied by the Government.

13. A number of comments covered issues that were already being addressed. On human trafficking, for example, the Government had adopted legislation and established the institutional framework. It was now necessary to enforce those laws. The death penalty had been abolished and habeas corpus had been introduced. Work was under way on gender equality and youth justice.

14. A third set of comments from NGOs did not correspond to reality and demonstrated a lack of knowledge about Uzbek law. On the question of the Ombudsman's independence, for example, the Ombudsman had not been a member of Parliament since 2005. Uzbekistan had a parliamentary Ombudsman who was elected by both chambers of Parliament. It had been suggested that if the Ombudsman was not a member of the International Coordinating Committee of National Human Rights Institutions (ICC), then her activities would not comply with the Paris Principles, but surely such membership was not an indicator of compliance. The Uzbek Ombudsman was a member of the International and European Ombudsman Institutes and the Asian Ombudsman Association and had agreements with

more than 10 Ombudsmen from other countries, which was indicative of her broad international ties. Uzbekistan had been the first country in the Commonwealth of Independent States to establish the office of Ombudsman, in 1995, and to adopt a law on the Ombudsman, in 1997. On the recommendation of the Human Rights Committee, that law had been amended to strengthen the rights guarantees covering the Ombudsman's activities.

15. Comments of the last type were thus based on distortions of the facts and in some cases were politically motivated. He urged the Committee to weigh the pros and cons of such comments and to take the positions of both sides into consideration when examining them. In its own consideration of the human rights situation in Uzbekistan, his Government looked at where it had been in the past, the current state of affairs and its future direction. The process would be lengthy and difficult.

16. With regard to the status of the Covenant in Uzbek law, Uzbekistan had a monist legal system, which meant that international law took precedence over domestic law, as stated in the preamble to the Constitution. All national codes and laws contained articles stating that, in the event of a conflict between the provisions of international law and of domestic law, international law prevailed. There were, however, different means of implementing international law. Uzbekistan had adopted a process of transforming international law into domestic law. That did not mean, however, that an Uzbek citizen could not invoke international law: many individuals had made submissions to the Committee under the First Optional Protocol to the Covenant. There was no restriction in that respect.

17. Uzbekistan had fully abolished the death penalty over the previous decade. It had always opposed a moratorium and had advocated full abolition on the grounds that a moratorium was a form of torture because, as occurred in American prisons, it amounted to torture for prisoners to wait for years without knowing whether they would be executed. A de facto moratorium had been in place in Uzbekistan for three years; it had not executed any death sentence and had abolished the death penalty for all crimes, whether committed in times of peace or of war. Uzbekistan had ratified the Second Optional Protocol to the Covenant and was working with the Spanish Presidency of the European Union towards the adoption of a resolution on the universal abolition of the death penalty. An Uzbek delegation had recently participated in the Fourth World Congress against the Death Penalty.

18. With respect to petitions to the Committee concerning the death penalty, in those cases that had been found to comply with the Committee's procedures, the death sentences had not been carried out and had been commuted to life imprisonment or long prison sentences. In cases in which the death sentence had already been carried out, the relatives of those individuals had been given information in accordance with the law.

19. **Mr. Thelin** said that it was not the Committee's wish to impose European imperatives. The tenets of the Covenant were universal and were untainted by political considerations. On the issue of the death penalty, Uzbekistan was more advanced than the United States of America.

20. Referring to question 2 on the list of issues, he asked where decisions were taken within the Uzbek Government with respect to remedies recommended by the Committee and the Committee's views concerning communications by individuals under the Optional Protocol.

21. On the question of the Ombudsman, he requested a written explanation of the results achieved on those issues that the Government had addressed.

22. With regard to the Andijan massacre, it would be necessary to agree to disagree. Although the events had taken place five years earlier, there was ongoing concern because relatives of the victims were being pressed by the Government not to act as witnesses. Furthermore, the rules on the use of firearms against citizens by the Uzbek security forces did not comply with international norms.

23. He commended the State party on reforming its procedural rules regarding habeas corpus. It was necessary, however, not only to have a law in place but also to enforce it in practice. He would appreciate receiving written answers to the questions he had posed on that issue and to two additional questions: first, he wondered whether the pretrial judge also presided at the trial itself. Second, he wished to have an explanation of the extent to which the prosecutor was successful in bringing motions on detention. If that was rarely the case, then it would raise a question about the independence of the judiciary.

24. **Mr. Amor** said that, despite the explanation that had been given regarding polygamy, the mentality in Uzbekistan and in other places seemed to be favourable towards it. He wondered whether the State was taking any action at the social level to change that mentality. At the legal level, his understanding was that a second wife was acceptable, provided that she lived in a different home. He asked whether the State explicitly prohibited polygamy in positive law and, if so, whether the Government would issue a clear regulation prohibiting it.

25. On the issue of extremism, he wished to know whether judges had ever used the concepts of extremism or incitement to extremism, and if so, in what cases and in what terms they had done so.

26. **Mr. O'Flaherty** said that, owing to time constraints in the Committee's proceedings, progress made by States parties was not always recognized. Nevertheless, the important achievements that Uzbekistan had made in its short life must be acknowledged.

27. He wished to receive answers to the questions he had posed concerning the revision of the Criminal Code and the criminalization, firstly, of speech about human rights violations or speech that was defamatory of the State and, secondly, of sexual activity between consenting male adults.

28. With respect to the Ombudsman, he said that he had not received any information from non-governmental organizations, but had simply looked for it on the Internet. He acknowledged the many international partnerships that the Uzbek Ombudsman had established. He had merely wished to inquire whether Uzbekistan would consider applying for membership of the International Coordinating Committee (ICC), which was widely considered beneficial for the operation of national institutions.

29. Expressing concern about the way in which the role of civil society had been discussed at the current proceedings, he emphasized that civil society was a crucial pillar of the architecture for the promotion and protection of human rights in any State. An engaged civil society held the Government accountable for upholding its human rights commitments. It appeared that human rights defenders in Uzbekistan faced obstacles that included intimidation, arrest and imprisonment. He therefore reiterated the question: to what extent was Uzbekistan engaged in changing the mindset regarding the crucial role of civil society? Referring to the names of individuals he had provided to the delegation of Uzbekistan, he asked whether those cases would be investigated and whether the safety of individuals still in custody would be guaranteed.

30. **Sir Nigel Rodley** said that a representative of Uzbekistan had made two comments which he could not pass over in silence. First, he had implied that the Committee had access to confidential information held by the International Committee of the Red Cross: no basis existed for such an assertion; there were other means of obtaining the information, which was possibly not even known to the Red Cross. Secondly, he was surprised by the assertion that the Special Rapporteur on torture, Mr. van Boven, had stated that he had not written but merely signed a report issued under his name; he asked exactly where and when it had been made.

31. While there was no international instrument containing an authoritative definition of "systematic practice of torture", there was case law on the subject, developed in particular, by the European Court of Human Rights and reflected in the practice of the Committee against Torture, the work of the Special Rapporteur on torture and the international criminal courts. As for a definition of torture, he did not have his own but was guided by that set out in article 1 of the Convention against Torture. The point he had wished to make was not that Uzbek law was not in compliance with that definition but that there were aspects of it that did not appear to be covered by that law. The Committee could not be satisfied with a mere assertion of compatibility; it needed to know how compatibility was ensured despite differences in language between article 235 of the Criminal Code and article 1 of the Convention against Torture. As, all too often, laws existed only on paper, he welcomed the priority given by the State party to implementing rather than merely enacting law.

32. He expressed concern as to the possibility of the 72-hour period of detention being prolonged by a judge or a prosecutor, noting that it was not a question of detention per se but of detention in police custody, with all its implications. Lastly, while appreciating the abolition of the death penalty in Uzbekistan, he wished to know what steps had been taken, prior to that abolition, to inform families of the death of the executed persons and the location of their bodies, and

what criteria had been used by the Supreme Court for the commutation of death sentences to life imprisonment or other penalties.

33. **Ms. Keller** requested information in writing on the 21 cases under article 26 of the Criminal Code that the delegation had mentioned, namely, what year those cases related to and any information for other years.

34. The new law on age of marriage was a positive step; she asked whether it would put an end to the exception under the old law that had allowed the age to be lowered for women in certain circumstances.

35. **Ms. Motoc** said that the Committee had no prejudice against Islam and, on the contrary, was against all prejudice. It was the State party that had mentioned in its report an attempt to define terrorism; the Committee had no such definition. She asked how many people were in prison on charges under article 155 of the Criminal Code and the provision in article 244 on membership in banned organizations. She also wished to know how the distinction was made between individuals who engaged in terrorism, extremism or radicalism and those who were Muslim but practised their religion in peace.

36. **Mr. Saidov** (Uzbekistan) said that decisions to carry out other punishments instead of the death penalty were exclusively within the competence of the Supreme Court.

37. The number of complaints received by the Commissioner for Human Rights (Ombudsman) of the Oliy Majlis had increased. That was a positive development, signifying that understanding of human rights was improving and that people wanted to protect their human rights. However, it also indicated that there were still many Government officials who did not protect human rights and were not carrying out their duties properly. In addition, there were many complaints which fell outside the competence of the Ombudsman.

38. For Uzbekistan, the question of Andijan was closed. The number of those who had died had been given as 7,000. That was utterly false. In fact, only 187 people had perished. Some 80 people who had gone to the United States following the events in Andijan had returned, and no measures had been taken against them. Reports of persecution were false. The Government of Uzbekistan had provided the BBC and other Western media outlets with footage shot by the terrorists themselves. It had not been shown anywhere because an information war had been declared on Uzbekistan. The demonstrators had had large quantities of weapons. They had killed many Government employees, a mayor and prosecutors and had released dangerous criminals from prison. The events had been a tragedy and remained a source of pain for the country. However, the number of victims should not be exaggerated.

39. Uzbekistan stood ready to work with European experts on the issue of habeas corpus. A judge who was involved in ordering an arrest could not have any further involvement with that case. It was not known to what extent the people of Uzbekistan supported polygamy. There was a total ban on polygamy, and the Government took active measures to make sure that all marriages were monogamous.

40. The term "extremism" was more generally used in the political sphere than in the legal sphere. It was disturbing that a judge had used that term.

41. In 1998, Uzbekistan had looked into joining the International Coordinating Committee of National Human Rights Institutions (ICC), but had been told at that time that it was not ready to join. It was now appropriate to consider joining.

42. The issue of defamation of religions was highly relevant. While the issue had been raised by the Organization of the Islamic Conference in the Human Rights Council, Western countries such as Spain and the United States of America did not believe that defamation of religions should be condemned. The use of freedom of speech to justify the defamation of religions, as in the case of the Danish cartoons, was deplorable. It was, in fact, a kind of Spanish Inquisition, a return to the fifteenth century.

43. Strengthening the role of civil society was a priority. The legal basis of NGOs was being enhanced, a national association of NGOs had been created and the Government provided them subsidies and grants. It aimed to work closely with NGOs and to develop an equal partnership with them rather than to dictate to them.

44. The earlier comment about the International Committee of the Red Cross (ICRC) was indeed true, and the ICRC was supposed to give the information to the Government only. Uzbekistan was the only country in the Commonwealth of Independent States to have

such an agreement with the ICRC. International organizations were not justified in lecturing Uzbekistan; they did not have an agreement with the Committee as Uzbekistan had, and should perhaps obtain such an agreement before telling Uzbekistan what to do. Uzbekistan took responsibility for its statements. There was no way that the former Special Rapporteur on Torture could have completed a 150-page report containing a list of 72 individuals in a mere two days. The Rapporteur himself had said that such a thing was impossible. The incompetence in that instance was a great source of pain for the Government of Uzbekistan.

45. European legal precedent had been cited. That was neither a convincing argument nor a precedent for Uzbekistan, which was an Asiatic country, and not a member of the European Union. It refused to be guided by decisions of the European Court of Human Rights. That would be a violation of international law. There was no basis in international law for the notion of systematic torture in any country.

46. The law stated very clearly that pretrial police detention could last only 72 hours and not a second longer, while the Committee's general comment No. 8 set a vague limit of a few days. However, the essential issue was that during the detention period, human rights must not be violated. A law enforcement official could easily violate a detainee's rights in a mere 10 hours, if that was his intent. The issue was in fact one of rights, not duration of detention.

47. The last death sentence had been carried out in Uzbekistan in 2005. When death sentences were still being carried out, all family members had received information on the sentence from the court handing down the sentence, and death was certified by the prosecutor and a forensic specialist. According to law, the location of the burial place in cases involving the death sentence was not released.

48. A new bill in Parliament, if passed, would set the age of marriage at 18 years. According to current law, the age of marriage for girls was 17, with some exceptions made for younger girls, usually in cases involving pregnancy. The new bill had no such exception clause.

49. **Mr. Thelin** said that the figure he had mentioned for the number of victims in the events at Andijan was not 7,000, but 700. That was the figure most often quoted by independent international sources.

50. **Sir Nigel Rodley** noted for the record that he was speaking in a calm voice and requested that the Chair enforce the practice of speaking in a moderate voice. He did not take kindly to having fingers pointed at him and to being addressed personally rather than through the Chair. The allegation that people had been hidden from the International Committee of the Red Cross (ICRC) during its representatives' country visits did not come from the ICRC. Moreover, it was not even clear that the ICRC was aware that information had been kept from it. Therefore, there had been no need to refer to confidential information from the ICRC.

51. He desired further information about the statement allegedly made by the former Special Rapporteur against torture and other cruel, inhuman or degrading treatment or punishment to the effect that he had signed a report without reading it. Information about the context in which the remark had allegedly been made was also requested. Perhaps what the Rapporteur had in fact said was that he had not written the entire report himself. Certainly, there would have been staff members who worked on the report, as there always were in such cases. However, the Rapporteur would have gone over it very carefully and made any necessary changes in order to take full responsibility for the document. Unless he admitted to something inconsistent with that practice, the delegation should withdraw the imputation that he had signed off on something he did not agree with, an imputation for which no source had been provided.

52. He had mentioned the European Court of Human Rights in the context of the systematic practice of torture. However, the test that he had used, and which the former Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment had probably also used, was the one established by the Committee against Torture and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Various bodies had had occasion to apply the notion of the systematic use of torture, even in the absence of such a concept.

53. **Mr. Salvioli** said that the delegation must treat the members of the Human Rights Committee with the same respect which the members of the Committee demonstrated towards the State party and its delegation. By ratifying the Convention against Torture, Uzbekistan had, under article 20 of that Convention, given the Committee the power to assess whether the use of torture was systematic. The

universal international bodies of the United Nations were not specific to Europe, Latin America, Asia or any other region. Those bodies assessed situations and determined whether or not there had been a systematic practice, despite the absence of a definition. The current proceeding was not an Inquisition, but rather a dialogue to help the State comply with its commitments under the Covenant.

54. **The Chair** emphasized that the Committee was a forum for dialogue in which the members expressed their views and the delegation responded. The purpose of the exchange of views was to help the delegation reflect upon the situation in its country. It was not a forum to accuse the Government of Uzbekistan.

55. **Mr. Saidov** (Uzbekistan) said that he was by nature emotional and had not intended to point fingers at anyone. He appreciated the clarification regarding the number of people who had perished in Andijan. The delegation did not agree with the definition of systematic torture given in the report of the Special Rapporteur on torture. Similar objections had been made by other States. When a high-ranking expert spoke on behalf of the United Nations, giving an opinion which could affect the international reputation of a State, each term must be weighed very carefully. The representatives of Uzbekistan had come in the spirit of dialogue, as had the members of the Committee. Human rights was an extremely sensitive area.

56. **Mr. Akhmedov** (Uzbekistan) said that Uzbekistan had fulfilled all of the Committee's recommendations related to trafficking in humans. It had ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. There were Presidential Decrees on trafficking and establishing a rehabilitation centre for victims of trafficking as well as an inter-agency commission chaired by the Procurator-General. The main functions of the rehabilitation centre were to provide victims with decent living conditions, food, medical supplies and short-term medical, psychological, social, legal and other assistance, to help them contact their families and to provide them with information about their rights and legal interests.

57. Crisis centres and telephone hotlines had been set up throughout the Republic to help victims of violence, as had health centres and centres for the provision of social and psychological assistance. Oidin Nur, a centre for the social protection of the family, had assisted nearly 1,300 women during 2008-2009. Its hotline had received over 9,000 calls since 2001. Since 2004, it had provided pro bono legal consultation to 450 clients.

58. **Mr. Saidov** (Uzbekistan) said that protection of the rights of children was a priority in Uzbekistan, where 40 per cent of the population consisted of children under the age of 18. A recent law guaranteed the rights of children and incorporated the Convention on the Rights of the Child and International Labour Organization conventions on the minimum age for admission to employment and elimination of the worst forms of child labour into domestic law. The Government of Uzbekistan cooperated closely with the Director-General of the International Labour Organization. The minimum hiring age had been increased from 14 to 15 years, and a law punishing those who forced underage children to work had been adopted. The criteria for child labour were that it must not harm the child's health or schooling and could take place only with parental consent.

59. **Mr. Shodiev** (Uzbekistan), replying to a question on exit visas, said that to travel abroad, citizens must apply to the Ministry of the Interior, which then issued an authorization stamp for the travel. No complaints of persons having been refused exit visas had been received in three years. The Ministry of the Interior issued a residence permit (*propiska*) for permanent residents of Uzbekistan, including citizens, foreigners and stateless persons, and a temporary *propiska* for people who lived at an address for a short period of time. The main purpose of the *propiska* was to have a record of people's addresses.

60. Turning to question 20, on the list of issues, he said that a bill had been introduced in Parliament to revise the law concerning international cooperation on legal assistance to refugees. The issue of extradition was dealt with by the competent organs and laws, and through bilateral agreements signed with many countries. Although Uzbekistan had not signed the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, it still received many refugees from countries such as Afghanistan. In 2009, it had also moved 325 refugees to third countries, notably Canada, the United States of America, Sweden, Norway and Denmark. While the Office of the United Nations High Commissioner for Refugees had closed its Uzbekistan operations in 2006, its functions were

being performed temporarily by the United Nations Development Programme.

61. With regard to question 22, he said that the law establishing the Office of the Ombudsman, gave a broad range of powers to defence lawyers in order to bring the country closer to the norm on procedural issues. Lawyers for detainees participated at every stage of the detention process and law enforcement officials ensured that detainees were able to meet with their lawyers.

62. **Mr. Akhmedov** (Uzbekistan), addressing the rights of journalists, said that more than 10 laws guaranteed freedom of expression in the media. Uzbekistan's legislation complied with the general principles and standards of international law, and journalists were free to attend court cases and to report on the proceedings with full immunity and without fear of persecution.

63. **Mr. Rakhmonov** (Uzbekistan) said that the accusation that courts were not independent was groundless, as courts and the legal system had been reformed to protect judges' independence. The number of civil and criminal cases handled by the courts had increased considerably between 2000 and 2009 and a reconciliation and mediation centre had been in operation for over eight years. Many citizens were thus ordered to pay compensation in lieu of custodial sentences. With regard to the prosecution of religious activists, the Supreme Court and subordinate courts based their rulings on the Criminal Code and only activists who violated the Criminal Code were brought to justice.

64. **Mr. Akhmedov** (Uzbekistan) said that the bar was a constitutional institution which functioned based on the rule of law, independence and other democratic principles as a non-profit civil society institution. The life, health and professional activity of lawyers were protected by the State. The principles of immunity for lawyers and protecting their professional activity, housing, place of work, communications devices and vehicles were legally enshrined. There were significant constraints placed on the detention, arrest and interrogation of lawyers as well as searches of their person and effects.

65. A Presidential Decree of 2008 envisaged further steps towards institutional reform of the bar. The Bar Association of Uzbekistan, whose membership stood at less than half the Republic's lawyers, was a weak organization, unable to guarantee a strong, independent bar.

66. The Ministry of Justice and the Chamber of Lawyers of Uzbekistan were responsible for testing lawyers and issuing licences for the practice of law. Under the previous system, many people had obtained licences to practise law which they had not used immediately. Under the new system, licensed lawyers were required to take the oath and open a law office or join an existing firm within three months. Law licences could be revoked for non-fulfilment of certain conditions, and lawyers must meet continuing education requirements every three years. Lawyers could earn income only through the practice of law and other law-related activities, such as research and teaching.

67. Alternative military service was available to people eligible for the draft who were members of registered religious organizations whose beliefs prohibited the use of arms and service in the armed forces, for a period of 24 months, or 18 months for those with higher education. Those performing alternative service took the military oath, received military training and acquired a military specialty which did not involve the use of weapons. They were required to respect the law and the internal rules of the establishment where they were carrying out their service. Upon completion of service, they were entitled to return to their previous job or find a comparable one. Alternative service could be shortened or postponed if their marital status changed.

68. Four political parties were registered with the Ministry of Justice. Civil society groups could register as non-governmental organizations on submission of the necessary documentation required by law. Reasons for refusal to register NGOs were also set forth in law, and there had been no cases of denials without just cause. Denials could be appealed, and NGOs could also reapply if they had been refused. Over 500 NGOs, 15 national trade union organizations, dozens of associations, ethnic cultural centres, hundreds of women's organizations and other types of organizations were currently operating in Uzbekistan. Over 40 offices and branches of international and foreign NGOs had been registered with the State. The National Association of Non-Governmental Organizations, founded in 2005, had more than 300 members. In 2008, Parliament had established a

foundation to support NGOs and other civil society organizations. NGOs received many tax benefits.

69. **Mr. Saidov** (Uzbekistan), in response to a question about national minorities, said that laws referred to nationalities rather than minorities, and that Uzbekistan had historically been a multinational, multilingual, multireligious and multicultural country with around 133 nationalities, all sharing the same rights. An international cultural centre had been set up to coordinate the activities of more than 150 national cultural centres, created by representatives of 27 nationalities. Education in schools and universities was carried out in seven languages, and television and radio programmes were broadcast in 10 languages. Even the Roma did not represent a problem in Uzbekistan, as they had been assimilated into the community.

70. Turning to question 29 on the list of issues, he said that upon signing the Covenant, Uzbekistan had translated and disseminated it in both Russian and Uzbek, and its provisions had been incorporated into school curriculums. Following the review of second periodic report, the Committee's concluding observations had been disseminated in schools, libraries and the media, and a plan had been developed for their implementation. Lastly, 18 NGOs, civil society organizations and the media had participated in the preparation of the third periodic report.

71. **The Chair** invited the members of the Committee to pose questions on the replies to questions 16 to 29 the list of issues.

72. **Mr. Bouzid**, while welcoming the reply to question 16 said that he wished to know, given the difficult economic conditions in the country, what human, financial and material resources the Government was willing to devote to the entity that had been created to combat human trafficking. On the issue of child labour, although the delegation had given assurances to the contrary, the Committee had received reports about the continued use of child labour, especially in the rural areas. He wished to know how the delegation could reconcile its assertions with those reports.

73. With respect to question 18, in its concluding observations on the second periodic report in 2005, the Committee had recommended the abolition of the system of exit visas. However, the delegation had acknowledged that the system still existed. There were also reports that the *propiska* was being used as a social control mechanism. In the light of those developments, he sought assurance from the delegation that the Government was willing to review its policies concerning both exit visas and the *propiska*.

74. On the subject of refugees, he sought to know what measures were being taken to allay the fears of refugees being forcibly returned to their home countries. Lastly, he requested more specifics about the number of stateless persons in the country and the number that had been given citizenship in recent years.

75. **Ms. Keller**, turning to question 29, said that she wished to know what remedies were available to the four human rights defenders who, according to reports received by the Committee, had been ill-treated and forced to confess in court. Concerning question 21, she wondered whether Uzbekistan was going to codify the inadmissibility of evidence extracted from witnesses using torture, and whether the delegation could react to reports that three human rights defenders had been tried and found guilty based on evidence from witnesses who had later retracted their statements and had said that their signatures on documents had been falsified.

76. With regard to the right of access to a lawyer, five cases had been reported of human rights defenders who had been denied access to a defence lawyer; even when such lawyers were designated, they were often incompetent. She asked what Uzbekistan was doing to improve the training for defence counsel.

77. With regard to question 23, considering that the President appointed and dismissed all judges, except those of the Supreme Court, who also had to be approved by the Parliament, she wondered what the Government was doing to ensure that in practice courts were independent. On question 24, there had been reports that the law establishing the Chamber of Lawyers to replace the bar was compromising lawyers' independence. It had also been reported that the head of the Chamber of Lawyers as well as the head of the Qualifications Commission were appointed on the recommendation of the Ministry of Justice, and that half the members of the Qualifications Commission and even the Appeals Commission were recommended by the Ministry of Justice. Given the Ministry's involvement in such appointments, she wondered how fairness could be ensured, especially in criminal cases, and whether the Government intended to amend the law to bring it in line with international law. She also

wished to know the rationale for the requirement of recertification for lawyers every three years in order to retain their licence, and whether the Government intended to change the law on the legal profession to make sure that licence renewal decisions were made by an independent body. She requested specifics about the number of lawyers who had been suspended since the law came into force.

78. **Sir Nigel Rodley**, referring to question 26 on alternative service, wished to know why only particular religious communities, namely the Union of Evangelical Christian Baptist Churches, Jehovah's Witnesses, the Church of Seventh Day Christian Adventists and the Council of Evangelical Christian Baptist Churches, were allowed to object to military service and benefit from alternative service. In fact, he wondered why that right was not extended to other religious and non-religious pacifist groups. He sought confirmation from the delegation that alternative service was twice the length of ordinary military service; that a military body decided on the approval of alternative service; and that even the alternative service still required military activities, except for the bearing of arms.

79. **Mr. Thelin** asked, with reference to question 29, why the highest courts in the land had been involved in the preparation of the country's report, when Uzbekistan claimed to have separation of powers.

The meeting rose at 1.05 p.m.